

Service Date: November 12, 2014

DEPARTMENT OF PUBLIC SERVICE REGULATION  
BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MONTANA

IN THE MATTER OF CenturyLink QC's ) REGULATORY DIVISION  
Service Quality and Its Response to Notice of )  
Commission Action in Docket N2014.3.38, ) DOCKET NO. D2014.11.91  
Including Petition for Waiver of Admin. R. )  
Mont. 38.5.337197)(b) )

IN THE MATTER OF the Request of Staff ) REGULATORY DIVISION  
of the Montana Public Service Commission )  
for CenturyLink Service Quality Information ) DOCKET NO. N2014.4.38

**NOTICE OF COMMISSION ACTIONS AND**  
**NOTICE OF FILING AND INTERVENTION DEADLINE**

In March 2014, the Public Service Commission (Commission) opened an informal investigation of CenturyLink QC's (CenturyLink) service quality, which was designated Docket No. N2014.4.38. The Commission sought and obtained information from CenturyLink concerning its compliance with Commission requirements for timely repair of out-of-service (OOS) trouble reports for voice telephone service. Admin. R. Mont. 38.5.3371(7)(b) requires local exchange carriers to clear 90% of OOS trouble reports within 24 hours. According to the records provided by CenturyLink to the Commission, in years 2012 and 2013, CenturyLink's averages for clearing OOS trouble reports within 24 hours were 57.4% and 57.6%, respectively. In 2014, 24-hour clearances were met 59.4% of the time in January and 62.4% in February.

On August 12, 2014, the Commission issued a *Notice of Commission Action* (Notice) in Docket No. N2014.4.38 in which it directed CenturyLink to: (1) beginning with March 2014, submit a monthly report of its OOS<24 hours performance for each legacy Qwest wire center; (2) provide detailed information concerning each OOS trouble report not cleared within 24 hours; and (3) develop and submit to the Commission a written repair service improvement plan to improve its out-of-service clearance times in order to bring CenturyLink into compliance with Admin. R. Mont. 38.5.3371(7)(b). The Commission directed CenturyLink to include in its plan

detailed information regarding the financial and staffing resources that would be required to achieve compliance with the Commission rule, measurable milestones, and a compliance target date. The Commission notified CenturyLink that its failure to meet the requirements of the Notice could result in fines or decertification of the company's status as an Eligible Telecommunications Carrier in Montana.

On October 17, 2014, CenturyLink made an oral presentation before the Commission regarding its OOS<24 hours performance. Rather than submitting a written plan to bring its repair performance into compliance with the Commission rule, CenturyLink questioned whether such a plan is in the best interests of the Commission, Montana consumers or CenturyLink, challenged the relevance of the rule, and cited the potential costs it would incur to comply with the rule.

On October 24, 2014, CenturyLink filed its *Response to Notice of Commission Action, Request for Continuance, and Petition for Waiver* (Response). In the Response, CenturyLink requested that the Commission grant a continuance of the 60-day deadline by which the company was directed in the Notice to file a repair service improvement plan so that the company might work with the Commission and its staff on the issues that had been raised by CenturyLink, commissioners and staff at the October 17, 2014 oral presentation. In addition, CenturyLink petitioned the Commission for a waiver of Admin. R. Mont. 38.5.3371(7)(b) pursuant to Admin. R. Mont. 38.5.3301(3), which provides that the Commission may waive a telecommunications service standard if the standard results in "unreasonable hardship" for a carrier.

**The Commission has considered the information that CenturyLink has provided informally in Docket N2014.4.38, including in its October 17 oral presentation. The Commission has determined that its main concern is that some number of CenturyLink customers in rural areas who have little or no choice other than CenturyLink for telephone service are experiencing chronic service quality problems and outages due to the poor condition of the CenturyLink infrastructure that serves them. A contested case proceeding is the appropriate procedural vehicle for resolving this concern, as well as for addressing the issues of CenturyLink's repair service performance and its Response, including its petition for waiver of Admin. R. Mont. 38.5.3371(7)(b). At a work session on October 30, 2014, the Commission acted to commence this docket for those purposes.**

The Commission hereby grants CenturyLink's request for a continuance of the deadline

by which CenturyLink must file a repair service improvement plan. The new deadline for filing a plan will be included in the procedural order for this docket. Staff will convene a procedural conference after the intervention deadline. A consolidation of this matter with Docket No. N2014.4.38 is being issued at the same time as this notice.

Commission staff may direct discovery to CenturyLink prior to issuance of the procedural schedule in this docket. CenturyLink shall respond to these discovery requests within ten calendar days of their issuance.

A copy of CenturyLink's Response is available for inspection at the Commission, 1701 Prospect Avenue, Helena, Montana 59601, and may also be viewed on its website at <http://psc.mt.gov> under either Docket No. D2014.11.91 or N2014.4.38. In addition, the non-proprietary service quality information provided by CenturyLink in Docket No. N2014.4.38 is available on the Commission's website under that docket number. The Montana Consumer Counsel, 111 North Last Chance Gulch, Suite 1B, P.O. Box 201703, Helena, Montana 59620-1703, telephone (406) 444-2771, is available and may be contacted to assist and represent the interests of the consuming public in this matter.

Any interested person who is directly affected by CenturyLink's filing and wants to be a party to this docket must file a petition to intervene with the Commission **no later than December 3, 2014** (intervention deadline). By the intervention deadline, a person petitioning for intervention must: (1) Submit the petition electronically (e-file) on the Commission's website at <http://psc.mt.gov> ("Account Login/Registration" under "Electronic Documents" tab); and (2) physically deliver or mail the original petition to the Commission at the above address. The Commission will not post an e-filed petition to its website until it receives the original from the petitioner.

An interested person who does not wish to formally intervene in this docket may mail or deliver written comments to the Commission at the above address, or submit comments electronically on the Commission's website at <http://psc.mt.gov> ("Comment on Proceedings").

The Commission has jurisdiction over this matter pursuant to Title 69, Chapter 3 of the Montana Code Annotated, and will treat this matter as a contested case under the Montana Administrative Procedures Act. *See* Mont. Code Ann. § 2-4-601 *et seq.* (2013).

BY THE MONTANA PUBLIC SERVICE COMMISSION

W. A. (BILL) GALLAGHER, Chairman  
BOB LAKE, Vice Chairman  
KIRK BUSHMAN, Commissioner  
TRAVIS KAVULLA, Commissioner  
ROGER KOOPMAN, Commissioner